

CHAPTER 10
ORGANIZATION AND POWERS
OF THE IOWA CONSUMER CREDIT CODE ADMINISTRATOR

61—10.1(537) Authority for and division of rules. The following rules of organization and operation are adopted to describe the organization and practice of the administrator of the Iowa consumer credit code, Iowa Code chapter 537 and to otherwise implement the Iowa consumer credit code.

10.1(1) *The consumer credit code administrator.* Subject to the express provisions of Iowa Code sections 537.6106 and 537.6108, the consumer credit code administrator shall be the attorney general or an assistant attorney general who shall be designated by the attorney general to serve as the consumer credit code administrator under the control of the attorney general. A power or duty under the Iowa consumer credit code reserved solely to the attorney general shall be so indicated by use of the term “attorney general.”

10.1(2) *Function.* The division head of the consumer protection division is the attorney general’s designee, who, except where a power or duty is reserved to the attorney general, may act as administrator of the Iowa consumer credit code in implementing, administering and enforcing the Iowa consumer credit code.

10.1(3) *Location.* The office of the administrator of the Iowa consumer credit code is located in the Hoover State Office Building, Second Floor, 1300 East Walnut, Des Moines, Iowa 50319; telephone (515)281-5926. Office hours are 8 a.m. to 4:30 p.m., Monday to Friday.

10.1(4) *Deputy consumer credit code administrator.* The attorney general may appoint an individual as deputy consumer credit code administrator who shall serve under the control of the attorney general. If the office of the consumer credit code administrator is vacant or if the consumer credit code administrator is absent or unable to act, the deputy consumer credit code administrator shall be the acting administrator.

10.1(5) *Other personnel.* The consumer credit code administrator or the deputy consumer credit code administrator when serving as acting administrator may appoint additional employees as are necessary to perform the duties imposed by law upon the consumer credit code administrator.

61—10.2(22,537,17A) Open records. All open records of the consumer credit code administrator are available for inspection by the public during business hours. Copies can be made by the public at a reasonable cost per page with the cost to be determined by and posted by the administrator.

61—10.3(17A) Forms. Any forms prescribed by the consumer credit code administrator for use by the public in its dealings with the administrator are available to the public at the consumer credit code administrator’s office without charge or may be obtained by writing to or calling the administrator of the consumer credit code. The following form may be used by the public:

Complaint form. This is a form currently used by the consumer protection division of the office of the attorney general. The form requests the name and address of the complainant and respondent and any pertinent facts concerning the complaint. Except where requested by the consumer credit code administrator, a letter containing the above information can be used instead of this form.

61—10.4(537,17A) Information. Information regarding the Iowa consumer credit code may be obtained by making a request to the consumer credit code administrator in writing, by telephone or in person. Requests should state with as much specificity as possible the legal issue(s) and the Iowa consumer credit code sections regarding which interpretation or information is sought. The consumer credit code administrator retains discretion to deny any request for advice when appropriate. Requesters should advise the consumer credit code administrator if the request involves issues which are pending in litigation. The consumer credit code administrator may respond either orally or in writing to informal requests for information. Responses of the consumer credit code administrator under this rule are for information only and are not binding upon the consumer credit code administrator.

61—10.5(537,17A) Complaints. Complaints of alleged violations of any provision of the Iowa consumer credit code may be made to the office of the consumer credit code administrator either orally or in writing and need not be in any particular form. However, the consumer credit code administrator may, as a matter of discretion, require a complainant to submit information on a form prescribed by the consumer credit code administrator if it appears that the complaint involves significant factual detail or if the consumer credit code administrator determines for any other reason that a formal complaint would aid the consumer credit code administrator in handling the complaint. The consumer credit code administrator may dispose of a complaint by correspondence or other informal communication.

Complaints concerning supervised financial organizations. If the consumer credit code administrator receives a complaint concerning a supervised financial organization or supervised loan licensee, the administrator shall, pursuant to Iowa Code section 537.6105(2), inform the agency having supervisory authority over that person or organization.

61—10.6(537,17A) Record of complaints. The consumer credit code administrator shall keep a record of each written complaint received by the consumer credit code administrator that concerns issues under the Iowa consumer credit code. The complaint record shall include the allegations and any actions taken toward resolving the complaint, including any final disposition.

61—10.7(537,17A,22) Investigation. If it appears, upon information brought to the attention of the consumer credit code administrator, that a person has engaged in conduct or committed an act or omission in violation of the Iowa consumer credit code, the administrator may, pursuant to Iowa Code sections 537.6105 and 537.6106, begin an investigation to determine whether the conduct is being engaged in, or has been engaged in or committed, and to determine the extent of the violation. The consumer credit code administrator may utilize all investigatory powers available, including those set forth in sections 537.6105 and 537.6106 of the Iowa consumer credit code.

61—10.8(537,17A) Enforcement actions. If the consumer credit code administrator determines that a person is committing or has committed an act or omission in violation of the Iowa consumer credit code, the administrator may:

1. Take one or more of the actions provided for in Iowa Code sections 537.6108 to 537.6113.
2. Take any action the consumer credit code administrator deems appropriate which is designed to obtain voluntary compliance with the Iowa consumer credit code.
3. Take any other action which is authorized by the Iowa consumer credit code, or take no action, as the consumer credit code administrator deems appropriate.

These rules are intended to implement Iowa Code chapters 537, 17A, 13 and 22.

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